

DOCUMENT RESUME

08105 - [C3388494]

[Protest against Rejection of Low Bid as Nonresponsive].
B-193056. November 24, 1978. 2 pp.

Decision re: Robinson Associates, Inc.; by Milton J. Socclar,
General Counsel.

Contact: Office of the General Counsel: Procurement law I.
Organization Concerned: Chilton Co./Chilton Research Services;
Department of the Army.
Authority: 4 C.F.R. 20. B-190743 (1978).

The protester objected to the rejection of its low bid as nonresponsive and the award of the contract to the second low bidder. The case was not considered since the material issues involved were before a court of competent jurisdiction and since the court had not indicated an interest in an opinion from GAO.
(Author/SC)

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D C 20548

8494

FILE: B-193056

DATE: November 24, 1978

MATTER OF: Robinson Associates, Inc.

DIGEST:

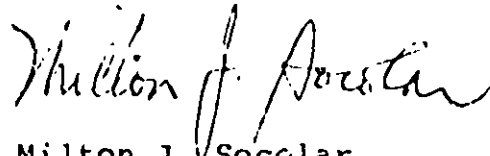
Protest against rejection of low bid as nonresponsive and award to second low bidder will not be considered, since material issues involved are before court of competent jurisdiction.

Robinson Associates, Inc. (Robinson), protests the rejection of its low bid as nonresponsive and the award of a contract to the second low bidder, Chilton Company/Chilton Research Services (Chilton), under invitation for bids (IFB) No. DAKF15-78-B-0010, issued by the Department of the Army.

The protest was filed in our Office on October 2, 1978. Robinson subsequently filed Civil Action No. 78-2104 in the United States District Court for the District of Columbia, requesting that the court direct the Army to terminate Chilton's contract and award a contract under the IFB to Robinson. Robinson also requested that, pending a decision by the court, the court enjoin the Army from revoking a stop-work order that was issued under the contract shortly after Robinson's bid protest was filed, and from otherwise taking any action in furtherance of the performance of the contract. The grounds for the complaint are the same as those filed in support of Robinson's bid protest.

It is the policy of our Office not to decide a matter where the material issues involved are before a court of competent jurisdiction unless the court expects, requests or otherwise expresses interest in receiving our decision. See section 20.10 of our Bid Protest Procedures, 4 C.F.R. part 20 (1978); The George Sollitt Construction Company, B-190743, January 9, 1978, 78-1 CPD 17. Robinson has not requested injunctive relief pending a

determination by our Office, and the court has not indicated an interest in our views. Therefore, we will take no further action on the protest.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel